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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,819	03/10/2004	Richard Anderson	AND001USU	6043
45180	7590	08/09/2005	EXAMINER	
GRIMES & BATTERSBY, LLP 488 MAIN AVENUE, THIRD FLOOR NORWALK, CT 06851			WELCH, GARY L.	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/797,819

Applicant(s)

ANDERSON, RICHARD

Examiner

Gary L. Welch

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 05252004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because:

The drawings do not contain lines that are uniform and clean, shading is too dark and the reference numbers and reference lines are not clear and concise.

Figure 6 shows a side view of the instant invention. However, the figure appears to be a straight line.

Reference number 28 (disclosed on page 6, line 13) is not shown in the figures.

Figure 7 illustrates reference number "30". It appears that "30" should be changed to --28--

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

2. The disclosure is objected to because of the following informalities: It appears that the following changes are required:

Page 7, line 4: Change "30" to --28--

Page 7, line 7: Change "time" to --necktie--

Appropriate correction is required.

***Claim Objections***

3. Claim 5 is objected to because of the following informalities: The claim requires two buttons on the rear surface of the wide end are to be separated by a distance of 7 inches. A review of applicant's specification does not reveal the claimed distance and therefore the claims lack antecedent basis with the specification. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Begg (U.S. 4,972,523).

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Begg discloses a necktie 12 removably attachable to a button-down shirt having a row of buttons 16 disposed down the front thereof. The necktie 12 is a single elongated article of clothing having a wide end 12b with front and rear surfaces and a narrow end 12a with front and rear surfaces. First attachment means 10b are provided on the rear surface of the wide end 12b and the front surface 20 of the narrow end 12a so as to attach the wide end 12b to the narrow end 12a. The first attachment means 10b is not visible on the front surface of the wide end. Second attachment means (22, 22a) is provided on the rear surface of the narrow end to attach the rear surface of the narrow end 12a to the row of buttons 16.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Begg (U.S. 4,972,523).

Begg discloses the invention substantially as claimed above.

However, Begg does not disclose that the first attachment means comprises at least one first attachment button disposed on the front surface of the narrow end and a plurality of corresponding first attachment button holes disposed on the rear surface of the wide end.

A review of applicant's specification does not reveal any criticality for the claimed configuration (i.e., why is a button and button hole better than any other attachment type?). Additionally, applicant's specification states that hook and loop fasteners are functionally equivalent to buttons and button holes (page 6, lines 14-18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the hook and loop fasteners of Begg with button and button holes since it is well known that button and button holes and hook and loop fasteners are functionally equivalent in securing a section of one garment to another.

With regard to claims 3 and 4, the invention is disclosed in the above rejection for the same reasons.

With regard to claim 5, as stated above, the claimed limitation is not supported in the specification. However, if supported, one of ordinary skill in the art through routine experimentation would have found it obvious to provide the claimed separation distance between buttons in order to provide a predetermined level of adjustability.

With regard to claim 6, one of ordinary skill in the art through routine experimentation would have found it obvious to provide the claimed length of each button hole and spacing between each button hole in order to provide a predetermined level of adjustability of the necktie/shirt connection and for accommodating a predetermined button size. The applicant's specification is

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silent regarding the claimed limitations except that it provides sufficient adjustability (i.e., no discussion regarding that the claimed values are better than any other value or values).

With regard to claim 7, the invention is disclosed in one or more of the above rejected claims.


### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brunetti et al. '033, Schreter '273, Waterbury '452, Gleason '055, Miller '553, Prince, Jr. '576, Swain '579, Jones '546, Soll '538, McNamara '200, Shiffler '587 and Knoll '292 disclose various necktie restraining devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Welch whose telephone number is (571) 272-4996. The examiner can normally be reached on Mon-Fri 5:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gary L. Welch  
Primary Examiner  
Art Unit 3765

glw